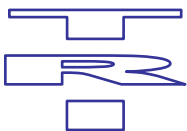


TRI Program-Related Burden Reduction

Options and Public Comment Summary

October 19, 2005

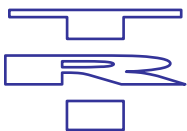
Kevin Donovan
TRI Program Division
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Option 1 – Higher Reporting Thresholds for Small Businesses

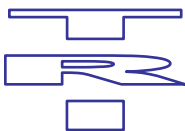
- **Description:** EPA asked for comment on whether it should consider raising the reporting thresholds for small businesses. EPA also requested comment on how small businesses should be identified for purposes of this option.
- **Public Comment:** Most commenters did not express support for this option. Some commenters noted that small businesses do not always have small release and other waste management amounts. Others said this option would create too much complexity in the program.

Of those in favor of this option, some suggested using the SBA definitions to define “small business” while others suggested using a specific number of employees to define “small businesses.”



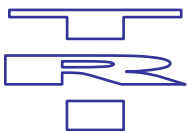
Option 2 – Higher Reporting Thresholds for a Category of Facilities or a Class of Chemicals with Small Reportable Amounts

- **Description:** EPA asked for comment on whether it should consider raising the reporting thresholds for a specific category of facilities and/or a specific class of chemicals.
- **Public Comment:** A number of commenters expressed concern that targeting specific sectors or chemicals for increased thresholds would only add greater complexity to the TRI program and adversely affect data quality. Some commenters supported this option, and, in particular suggested raising thresholds for lead and lead compounds and revisiting the classification of lead and lead compounds as PBT chemicals.



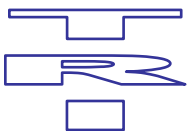
Option 3 – Expanding Eligibility for the Form A Certification Statement

- **Description:** EPA asked for comment on whether it should consider expanding Form A eligibility by:
 - (1) raising the 1 million pound alternate threshold
 - (2) raising the 500 pound “total annual reportable amount” threshold and/or removing certain waste management activities from the “total annual reportable amount” calculation.
- EPA also requested comment on whether it should consider developing an enhanced Form A that includes information on specific environmental media or waste management activities in the form of range estimates



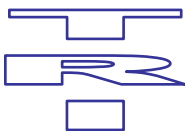
Option 3 – Expanding Eligibility for the Form A Certification Statement

- **Public Comment:** Those opposed to this option said that it is not ideal for burden reduction because facilities still need to perform calculations to determine eligibility. Some commenters also felt that the expanded use of Form A would result in the loss of too much data. Those in favor of expanding the use of Form A recommended the following:
 - Remove or increase the 1 million pound alternate threshold
 - Modify “total annual reportable amount” – both the 500 pound amount and the waste management activities that are used to calculate this amount
 - Allow PBT reporters to use Form A
 - Alter the enforcement approach toward good-faith errors in which a Form A is filed when, in fact, a Form R should have been filed
 - Do more outreach to highlight Form A
 - Enhance Form A through the addition of range estimates, thereby creating a shorter, less burdensome version of the Form R (e.g., a Form “EZ”)



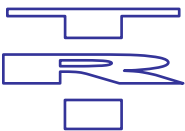
Option 4 – Creating a New, “No Significant Change” Certification Statement

- **Description:** EPA asked for comment on whether it should consider developing a new form that would allow facilities to certify to “no significant change” as measured against a designated baseline year. Specifically, EPA requested comment on:
 - **How to designate the baseline year and the number of years between baselines**
 - **Whether “no significant change” should apply to total releases, total waste management, a set of qualitative criteria, or some other criteria**
 - **Whether the criteria should be based on a percentage of change or a percentage and a specified quantity, amounts below which a facility could consider as “no significant change,” and a specified quantity, amounts above which the no significant change option would not apply**
 - **Whether this option should be available for PBT chemicals**



Option 4 – Creating a New, “No Significant Change” Certification Statement

- **Public Comment:** This option received many supportive comments, however, the comments provided few details on how to actually implement the option. Some comments addressed various aspects of this option, including:
 - How often to require TRI reporting with a no significant change option (*i.e.*, the baseline year issue). Some suggested 3 years, some 5 years, and others no baseline limit, etc.
 - The criteria type that should apply (*e.g.*, quantitative, qualitative, or some combination). Some suggested a percentage (*e.g.*, 5%, 10%, 15%), while others suggested whole amounts or a combination of a percentage and whole amounts. Still others were in favor of a qualitative approach (*e.g.*, a narrative statement regarding no significant change).
 - The variable of change that should apply. Some advocated the use of production ratio, others said total quantity managed as waste, or total releases.



Option 5 – Use of Range Reporting for Section 8 of the Form R

- Description: EPA asked for comment on whether it should consider applying to Section 8 of the Form R the current use of range reporting for less than 1,000 pounds of non-PBT chemicals reported in Sections 5 and 6 of the Form R.
- Public Comment: While this option received both supportive and critical comments, there seemed to be general agreement that this option would not afford a lot of burden relief as compared to other options discussed in the stakeholder paper. Those opposed to this option expressed concern over its impact on data quality. Those in favor of this option said it would reduce burden and make the form more consistent as Sections 5 and 6 of the Form R already allow the use of range codes.

